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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/916,607

Filing Date: July 26, 2001

Appellant(s): CAMBRIDGE, RODNEY D.

Kevin J. Zilka
Reg. No. 41,429
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/28/2007

appealing from the Office action mailed 01/29/2007.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6594762	DOUB et al.	7-2003
6614350	LUNSFORD et al.	9-2003
6631271	LOGAN	10-2003
20020078393	PARKER	6-2002
20010053947	LENZ et al.	12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 1, 3, 5-6, 10, 15-16, 19-20, 25-26, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doub (US 6594762), in view of Lunsford et al. (US 6614350) and further in view of Logan (US 6631271).

As per claims 1, 10, 16, 20, and 26, Doub discloses a control unit having a range of communications (see column 3 line 19 through column 4 line 63); a device, wherein the device is registered with the control unit such that the device cooperates with the control unit using communications to determine when the device is within range of communications of the control unit,

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wherein when it is determined that the device is within the range of communications of the control unit, the device is functional, and when it is determined that the device is not within the range of communications of the control unit, the device is at least partially non-functional (see column 3 line 19 through column 4 line 63); wherein the device is configured to periodically send an identifying signal to the control unit and the control unit is configured to send a return signal to the device when the identifying signal is received by the control unit (see column 3 line 19 through column 4 line 63); wherein when the device is at least partially non-functional in a situation where it is determined that the device is not within the range of communications of the control unit, the device is configured to continue periodically sending the identifying signal to the control unit (see column 3 line 19 through column 4 line 63);

Doub fails to explicitly disclose the device and unit communicate via Bluetooth and wherein the control unit is configured to produce an alert when it is determined that the device is not within the range of communications of the control unit; wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device

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is not within the range of communications of the control unit; wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit; wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on movements of an owner.

However, Lunsford et al. teaches the device and unit communicate via Bluetooth (see column 7 lines 18-33) and wherein the control unit is configured to produce an alert when it is determined that the device is not within the range of communications of the control unit (see column 7 lines 9-15); wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit; wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within the range of communications of the control unit (see column 8 lines 38-49 and column 7 lines 9-15).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the Bluetooth alerting of Lunsford et al. in the system of Doub.

Motivation to do so would have been to deter the theft and prevent inadvertent abandonment of various portable devices (see Lunsford et al. column 2 lines 37-47).

The modified Doub and Lunsford et al. system fails to teach the device is configured to periodically send the identifying signal utilizing a period of time, which is configured, based on movements of an owner.

However, Logan teaches such a configuration (see column 6 lines 41-53 and column 2 lines 30-63).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the configured rules of Logan with the modified system of Doub and Lansford et al.

Motivation to do so would have been to make sure a user doesn't forget an item (see Logan column 6 lines 41-53).

As per claims 3, 5-6, 15, 19, and 38, the modified Doub, Lansford et al., and Logan system discloses the device includes a lockout interface, wherein when the device does not receive the return signal in response to the identifying signal, the device is not within the range of communications of the control

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unit and the lockout interface locks out the device and causes the device to be at least partially non-functional (see Doub column 3 line 19 through column 4 line 63 and Lansford et al. column 8 lines 38-49).

As per claim 25, the modified Doub, Lansford et al., and Logan system discloses wherein the Bluetooth-enabled mechanism is a Bluetooth-enabled radio (see Lansford et al. column 7 lines 18-33).

As per claims 34-37, the modified Doub, Lansford et al., and Logan system discloses displaying information on the device when it is at least partially non-functional (see Lansford et al. column 8 lines 38-49); and using different time periods for sending the signal (see Lansford et al. column 6 lines 41-55 and Logan column 6 lines 41-53 and column 2 lines 30-63).

2. Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Doub, Lansford et al., and Logan system in further view of Parker (US 20020078393).

As per claims 14 and 24, the modified Doub, Lansford et al., and Logan system fails to disclose displaying information on the first Bluetooth-enabled device display of the first Bluetooth-enabled device which indicates that the first Bluetooth-enabled device is locked out

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However, Parker teaches such displaying (see paragraph [0007]).

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Parker with those of the modified Doub, Lansford et al., and Logan system because displaying a lock out message on a device screen provides a means to inform the user that the device is locked out.

3. Claims 29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Doub, Lansford et al., and Logan system in view of Lenz (US 20010053947).

As per claims 29, 31, and 33, Applicant presents substantially the same limitations as that of claim 1 with the exception that WiFi communication is employed instead of Bluetooth. Examiner submits the same grounds of rejection as those outlined in the rejection of claim 1 (see above). Further, Lenz teaches use of WiFi Communication as a known and suitable form of communication. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Lenz with those of the modified Doub, Lansford et al., and Logan system and use WiFi

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communication because WiFi provides a suitable and efficient means of wireless communication.

(10) Response to Argument

Issue #1:

Rejection of claims 1, 3, 5, 6, 10, 15, 16, 19, 20, 25, 26, and 34-38 under 35 USC 103(a) over Doub in view of Lunsford et al. and further in view of Logan

Group #1: Claims 1, 3, 5, 10, 15, 16, 19, 20, 25, 26, and 34-38

Appellant argues that the combination proposed combination would render the prior art invention being modified unsatisfactory for its intended purpose. Specifically that Doub teaches a device is registered with only one control unit, while Lunsford et al. teaches registering multiple devices.

With respect to this argument, Examiner agrees the Appellant's classification of Doub, but respectfully disagrees with Appellant's classification of Lunsford et al. Specifically figures 1a and 1b disclose embodiments of Lunsford et al. where two devices are registered with only each other and not with multiple devices (see column 4 lines 31-49).

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In FIG. 1a a laptop computer 10 and cellular phone 20 are in RF communication and act as co-monitoring devices for each other so either or both would initiate an event, such as sounding an alarm, should proximity be lost between the two devices

In other words, when each device polls all other devices, each device only polls a single device, as similarly taught by Doub. Therefore, the proposed combination would not render Doub unsatisfactory for its intended purpose.

Appellant also argues that Lunsford et al. fails to teach the claimed technique "wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within range of communications of the control unit".

With respect to this argument, as described above, when proximity of the devices is lost an event would be initiated on either or both devices. This event "may vary widely with examples being the activation of audio and **visual alarms**" (emphasis added from column 7 lines 9-15). For each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm (i.e. the control unit display being configured to display information).

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Furthermore, when a device loses proximity it "displays the owners name, address, and telephone number" (see column 8 lines 45-49). This information is clearly associated with the device and only displayed when it is determined that the device is not within range of communications of the control unit.

Additionally, since the portion of Lunsford et al. relied upon is the situation where there are only two devices, when one loses proximity they both do so the alarm and therefore device information will be displayed on both devices (i.e. the control unit and the device). Also invention of Lunsford et al. is related to "the prevention of inadvertent of various portable information devices" (see column 2 lines 41-44) and "personal electronic devices can be easily concealed and stolen or they may simply be put down by their owners, forgotten, and left behind" (see column 1 lines 51-64). Since the invention is related to helping owners prevent the loss of their devices it is clear that in the situation described above, "the owner" owns both of the devices monitoring each other. Next, when the two devices lose proximity the same owner's information would be displayed on both devices. Therefore, the information being displayed on the control unit display, when the devices are not in communications range, would be **associated** with the device.

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Appellant also argues that Lunsford et al. fails to teach the claimed technique "wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within range of communications of the control unit".

With respect to this argument, as discussed above, the owner of the two devices in Lunsford (i.e. the device and control unit of the claims) is the same and when the devices lose proximity both devices display the owner's information. For each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm (i.e. the device display being configured to display information). Therefore, the information being displayed on the device display, when the devices are not in communications range, would be **associated** with the control unit.

Appellant argues that Logan fails to teach the claimed technique "wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on the movements of an owner".

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With respect to this argument both Doub and Lunsford teach periodically sending the identifying signal utilizing a period of time (see Doub column 3 lines 58-61 and Lunsford column 6 lines 41-55). These references fail to teach that this time is based on the movements of an owner. Logan teaches setting rules for verifying the proximity of devices (i.e. sending the identifying signal) based on the users movements (see column 6 lines 41-67). Specifically Logan teaches the example rule of:

Thus, the user can define a rule which states that, if the watch is within the range of the car during business hours on Monday through Friday, and further if either the cell phone or the briefcase are not in the vicinity of the car at that time, the user should be alerted in of a variety of user-defined ways

In this rule when the owner moves to the car during a set time period certain devices should be verified as present (i.e. by using the identifying signal) to prevent the owner from forgetting a device. Therefore, the combined references teach the claimed technique "wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on the movements of an owner".

Group #2: Claim 6

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Appellant argues that the combined references fail to disclose the claimed technique "where in the device is exclusively registered with the control unit."

With respect to this argument Applicant admits, "Doub discloses a device that is only registered with a single control unit" (see page 16 of the Brief). Therefore, Appellant's claim that Doub fails to teach this limitation is a contradictory statement. As stated above Doub relates to a handheld security system that maintains security between "an electronic device and a remote device" (abstract line 1). The entire disclosure relates to a system in which one device is controlled by one control unit (see for example column 1 line 46 through column 2 line 16; Fig 1). Furthermore, Lunsford teaches that only two devices may be used to monitor each other (see Figures 1a and 1b and column 4 lines 31-49).

Issue #2:

Rejection of claims 14 and 24 under 35 USC 103(a) over Doub in view of Lunsford et al. in view of Logan and further in view of Parker

Group #1: Claims 14 and 24

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Appellant argues that these claims are not met by the prior art for the reasons argued with respect to Issue #1, Group #1. This argument is moot in view of the above response.

Issue #3:

Rejection of claims 29, 31, and 33 under 35 USC 103(a) over Doub in view of Lunsford et al. in view of Logan and further in view of Lenz

Group #1: Claims 29, 31, and 33

Appellant argues that the combination proposed combination would render the prior art invention being modified unsatisfactory for its intended purpose. Specifically that Doub teaches a device is registered with only one control unit, while Lunsford et al. teaches registering multiple devices.

With respect to this argument, Examiner agrees the Appellant's classification of Doub, but respectfully disagrees with Appellant's classification of Lunsford et al. Specifically figures 1a and 1b disclose embodiments of Lunsford et al. where two devices are registered with only each other and not with multiple devices (see column 4 lines 31-49).

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In FIG. 1a a laptop computer 10 and cellular phone 20 are in RF communication and act as co-monitoring devices for each other so either or both would initiate an event, such as sounding an alarm, should proximity be lost between the two devices

In other words, when each device polls all other devices, each device only polls a single device, as similarly taught by Doub. Therefore, the proposed combination would not render Doub unsatisfactory for its intended purpose.

Appellant also argues that Lunsford et al. fails to teach the claimed technique "wherein the control unit includes a control unit display, the control unit display being configured to display information associated with the device when it is determined that the device is not within range of communications of the control unit".

With respect to this argument, as described above, when proximity of the devices is lost an event would be initiated on either or both devices. This event "may vary widely with examples being the activation of audio and **visual alarms**" (emphasis added from column 7 lines 9-15). For each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm (i.e. the control unit display being configured to display information).

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Additionally, since the portion of Lunsford et al. relied upon is the situation where there are only two devices, when one loses proximity they both do so the alarm and therefore device information will be displayed on both devices (i.e. the control unit and the device). Also invention of Lunsford et al. is related to "the prevention of inadvertent of various portable information devices" (see column 2 lines 41-44) and "personal electronic devices can be easily concealed and stolen or they may simply be put down by their owners, forgotten, and left behind" (see column 1 lines 51-64). Since the invention is related to helping owners prevent the loss of their devices it is clear that in the situation described above, "the owner" owns both of the devices monitoring each other. Next, when the two devices lose proximity the same owner's information would be displayed on both devices. Therefore, the information being displayed on the control unit display, when the devices are not in communications range, would be **associated** with the device.

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Appellant also argues that Lunsford et al. fails to teach the claimed technique "wherein the device includes a device display, the device display being configured to display information associated with the control unit when it is determined that the device is not within range of communications of the control unit".

With respect to this argument, as discussed above, the owner of the two devices in Lunsford (i.e. the device and control unit of the claims) is the same and when the devices lose proximity both devices display the owner's information. For each of the devices to be able to show a visual alarm it must have some sort of display configured to display the visual alarm (i.e. the device display being configured to display information). Therefore, the information being displayed on the device display, when the devices are not in communications range, would be **associated** with the control unit.

Appellant argues that Logan fails to teach the claimed technique "wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on the movements of an owner".

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With respect to this argument both Doub and Lunsford teach periodically sending the identifying signal utilizing a period of time (see Doub column 3 lines 58-61 and Lunsford column 6 lines 41-55). These references fail to teach that this time is based on the movements of an owner. Logan teaches setting rules for verifying the proximity of devices (i.e. sending the identifying signal) based on the users movements (see column 6 lines 41-67). Specifically Logan teaches the example rule of:

Thus, the user can define a rule which states that, if the watch is within the range of the car during business hours on Monday through Friday, and further if either the cell phone or the briefcase are not in the vicinity of the car at that time, the user should be alerted in of a variety of user-defined ways

In this rule when the owner moves to the car during a set time period certain devices should be verified as present (i.e. by using the identifying signal) to prevent the owner from forgetting a device. Therefore, the combined references teach the claimed technique "wherein the device is configured to periodically send the identifying signal utilizing a period of time which is configured based on the movements of an owner".

(11) Related Proceeding(s) Appendix

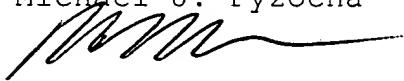
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections
should be sustained.

Respectfully submitted,

Michael J. Pyzocha



Conferees:

Emmanuel Moise



Eddie Lee



EDDIE C. LEE
SUPERVISORY PATENT EXAMINER